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Attorneys for Defendant  
CITY OF SAN LEANDRO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL CHURCH OF THE  
FOURSQUARE GOSPEL

Plaintiff,

v.

CITY OF SAN LEANDRO, TONY  
SANTOS (in his official capacity),  
SURLENE G. GRANT (in her official  
capacity), DIANA M. SOUZA (in her  
official capacity), JOYCE R.  
STAROSCIAK (in her official capacity),  
BILL STEPHENS (in his official capacity),  
JIM PROLA (in his official capacity),  
JOHN JERMANIS (in his official and  
individual capacities), DEBBIE POLLART  
(in her official and individual capacities),  
DOES 1-50.

Defendants.

Case No. C 07-03605 PJH

**DECLARATION OF KIMBERLY M.  
DRAKE IN SUPPORT OF  
STIPULATED REQUEST TO  
EXTEND EXPERT DISCLOSURE  
DATES AND EXPERT DISCOVERY  
CUTOFF**

[Civil L.R. 6-2(a)]

Honorable Phyllis J. Hamilton  
Complaint Filed: 7/12/07  
Trial Date: Not Yet Set

1 FAITH FELLOWSHIP FOURSQUARE  
2 CHURCH,

3 Real Party in Interest  
4

5  
6 1. No trial date has been set in this case.

7 2. There has been one previous time modification in this case, by stipulation of the  
8 parties. The parties earlier agreed to extend the non-expert discovery cutoff for sixty (60) days,  
9 from March 31, 2008 to May 30, 2008 and filed a stipulation with this Court, and requested  
10 modification of the scheduling order, on March 6, 2008. The Court granted the parties' request  
11 and reset the non-expert discovery cutoff to May 30, 2008.

12 3. Expert disclosure by Plaintiff International Church of the Foursquare Gospel  
13 ("ICFG") was due on April 30, 2008. Plaintiff did not disclose any experts by this date.

14 4. Expert disclosure by Defendant City of San Leandro ("City") is currently due on  
15 May 15, 2008.

16 5. The parties, by and through their respective counsel, have been engaged in ongoing  
17 settlement discussions since April 2008. Counsel drafted a settlement agreement to memorialize  
18 settlement discussions and the parties were near settlement.

19 6. With settlement discussions ongoing, the City's attorney Deborah Fox told the  
20 City's retained expert to hold off on further work to avoid incurring unnecessary costs.

21 7. On April 22, 2008, the City Council, the City's governing body, considered  
22 counsels' draft Settlement Agreement and made an offer to Plaintiff. Plaintiff's two approving  
23 bodies met separately, considered the City's offer, and presented a counteroffer on April 28,  
24 2008. On May 5, 2008, the City Council considered and rejected Plaintiff's counteroffer.

25 8. On May 6, 2008, Deborah Fox immediately contacted the City's retained expert to  
26 notify him that he should reacquaint himself with the case and complete his report, and that the  
27 City would try to get him more time in which to do so.

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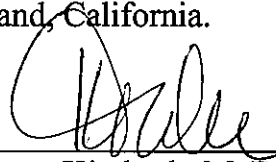
1           9.     On May 6 and 7, 2008, counsel met and conferred to discuss the need to extend the  
2 date for expert disclosure by Defendant to June 30, 2008, to accommodate the City's expert, and  
3 to give him more time to complete his report. The parties stipulated and agreed to extend the  
4 expert disclosure dates and the expert discovery cutoff. A fully executed Stipulation to this effect  
5 is filed herewith.

6           10.    The City's deadline for filing/serving a motion for summary judgment/adjudication  
7 is August 27, 2008. Expert discovery will be completed before this date.

8           11.    The parties have no reason to believe that the modest extension provided for herein  
9 will in any way delay trial.

10          I declare under penalty of perjury under the laws of the United States that the foregoing is  
11 true and correct.

12          Executed this 8<sup>th</sup> day of May, 2008, at Oakland, California.



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Kimberly M. Drake  
Attorneys for Defendant  
CITY OF SAN LEANDRO

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